

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, October 11, 2012 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF SEPTEMBER 27, 2012, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 12-107-924 Urban Village Salon, Spa, and Massage Center**
Change of non-conforming use permit for beauty salon,spa, and massage center
134-136 Western Ave N, NE corner at Laurel
RM2
Michelle Beaulieu 651-266-6620

- 2 12-104-517 Cool Air Mechanical**
Conditional use permit for a service business with workshop that is more than 15,000 sq. ft, and variances of three T2 design standards: entrance location, door and window openings, and materials and detailing
1441- 1483 Rice St, between Nebraska and Arlington
T2
Bill Dermody 651-266-6617

- 3 12-103-789 Gerdau Ameristeel US Inc.**
Conditional use permits for outdoor recycling processing center and for use of a method other than fill to elevate a structure above the regulatory flood protection elevation and variances of site access more than two feet below RFPE and rehabilitation slopes greater than 18%
740-780 Barge Channel Road, SE of Midwestern Railroad
I2
Josh Williams 651-266-6659

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.

Cool Air Mechanical

**Urban Village Salon,
Spa and Massage Center**

Gerdau Ameristeel US Inc.

October 11, 2012 Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Urban Village Salon/Spa/Massage Center **FILE #** 12-107-924
2. **APPLICANT:** Urban Village Salon / Spa **HEARING DATE:** October 11, 2012
3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
4. **LOCATION:** 136 Western Ave N, NE corner at Laurel
5. **PIN & LEGAL DESCRIPTION:** 012823120150, Dayton And Irvines Addition W 1/2 Of Lots 7, 8 And 9 Ex The N 10 Ft Of Sd Lot 9 Blk 75
6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2
7. **ZONING CODE REFERENCE:** §62.109(c)
8. **STAFF REPORT DATE:** October 3, 2012 **BY:** Michelle Beaulieu
9. **DATE RECEIVED:** September 20, 2012 **60-DAY DEADLINE FOR ACTION:** November 19, 2012

- A. **PURPOSE:** Change of nonconforming use permit for 10-chair beauty salon and massage center
- B. **PARCEL SIZE:** 70 ft. (Laurel) x 170 ft. (Western) or 11,900 sq. ft.
- C. **EXISTING LAND USE:** C - Beauty Salon/Spa/Barber Shop
- D. **SURROUNDING LAND USE:**

The site is surrounded on three sides by multi-family residential (zoned RM2). To the north there are businesses and additional multi-family residential units (zoned B2).

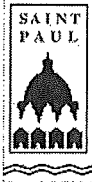
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** In 1988 a beauty salon was established at this location in one apartment unit (Z.F. #10302). In March 2012, the nonconforming use permit for the salon was enlarged to include the entire space that the beauty salon had occupied and is currently occupying (Z.F. #12-027-167). The 2012 nonconforming use permit was issued for a 5-chair beauty salon, in accordance with the number of chairs specified in the application.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council has not made any recommendations at this time.
- H. **FINDINGS:**

1. The applicant, Urban Village Salon/Spa, has applied for a change of nonconforming use permit to add five chairs and massage services to their permit. The salon opened under a previous business owner/operator in 1988. The business began offering massage services in 1994, according to licensing information in the Department of Safety and Inspections. The previous business closed in 2008.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. A 10-chair beauty salon intensifies the previously approved salon use and maintains the same floor area as the 5-chair salon. Massage center is a use first permitted in the T1 zoning district, which is also the district in which beauty salons are first allowed.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. Massage centers and beauty salons typically operate on an appointment basis. Traffic to the business will therefore be spread out over the course of the day, as it is now, and will not be overly busy at certain times of the day. The parking requirement for the business has not changed and is still met. A parking lot

across the street on the southeast corner of Laurel and Western is for the use of the beauty salon and massage center with five signed spaces.

- c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use is located entirely within the building. The change will offer neighbors more services in the same local business. The change will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.
- d. *The use is consistent with the comprehensive plan.* This finding is met. The proposed uses meet the goals of Land Use strategy 1.7 in the Saint Paul Comprehensive Plan, which is to "permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods."

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the change of non-conforming use for a 10-chair beauty salon and massage center at 136 N Western, subject to the condition that five parking spaces be provided as required by the zoning code in the lot on the southeast corner of Laurel and Western and that those spaces be designated for use by the beauty salon and massage center.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only

File #: _____

Fee: _____

Tentative Hearing Date: 10-11-12

PD=8
** 012823120150*

APPLICANT

Name Urban Village Salonspa (Urban Village, LLC)
Address 134 Western Ave N. (136 Western Ave N.) 651.246.1326
City St. Paul St. MN Zip 55102 Daytime Phone _____
Name of Owner (if different) Lor-West Apartments, LLP
Contact Person (if different) Andria Kroona 651.246.1326 Phone _____

PROPERTY LOCATION

Address/Location 134 Western Ave N. (136 Western Ave N.)
Legal Description 012823120150; Dayton & Irvines addition W1/2 lots
lot 9 blk 75
7,8,9 ex the N 10 ft of sd Current Zoning sec. 62.109(d) RM2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☒ Change from one nonconforming use to another (para. c)
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Beauty Salon/Spa (5 Chairs)

Proposed Use Beauty Salon/Spa (10 chairs) and Massage Center

Attach additional sheets if necessary

See Attachment

Attachments as required ☒ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature [Signature]

Date 9-20-12 City Agent Kate

9-20-12

Present/Past use: Beauty Salon/Spa (5 chairs)

Proposed Use: Beauty Salon/Spa (10 chairs) and Massage Center

At the time of the previous application for non conforming use, we were unaware that massage services should have been specifically identified. We were under the assumption that we were keeping the status of salon and spa, and we did not know they were to be listed separately. The space has been operating as a salon and spa, including massage, since 1988. We would like to keep our status as a beauty salon and also add massage to our non conforming use. The current non conforming use permit states this is a five chair beauty salon. The current permit was applied for prior to Urban Village, LLC signing a lease with At Home Apartments (Lor-West Apartments, LLP). They applied for the permit to be "as is" in case of us changing our minds. They also did not know the number of chairs at the time of application. Our salon will be a ten chair salon and our spa area includes three treatment rooms and a pedicure area. Two of the treatment rooms will include esthetic services, which falls under the "beauty salon" category. These services can include: facials, body waxing, skin treatments, laser hair removal, Botox, and spray tanning. One room will be reserved for Massage services.

Findings:

1. Our proposed use is equally appropriate to the neighborhood because we are able to offer another service besides "beauty" services. Being able to offer massage would add a "wellness" service. Also, by having ten chairs versus five, we are able to offer patrons more variety in services and skill level.
2. The traffic generated by making this change should stay similar to the current use. Generally, massage therapists see one person per hour. The work they do is very physical. Therefore, they typically do not have more than 6-7 massages per day. Even though we have will have ten chairs instead of five, we will never have everyone there at one time. Since we are a chair rental salon, stylist schedules are very flexible, and most work 3-4 days per week. We are open Monday thru Saturday, so we spread people's working days out to cover open times. We believe our parking situation in the lot across the street is adequate. As noted in our previous application, we have five parking spaces in the parking lot across the street on the southeast corner of Laurel and Western. With that, we still meet the zoning code for one space per 400 sq ft of area of a service business.
3. Offering massage services will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. Having massage services available will offer another way for the neighborhood to support a local business, and pamper themselves at the same time. We

would like to be able to offer a variety of services. Having additional salon chairs will not only allow a wider variety of services and skill level, but will also add more local jobs for people. In a struggling economy, people still need to get their hair cut/colored and take care of themselves. We will be able to offer five more people a place to work, and if you include massage it would be six more people. This is excellent for a small, local business and its neighborhood.

4. Adding massage services to our business, as well as having a ten chair beauty salon, will stay consistent with the comprehensive plan. Our business meets the goals of the Land Use Strategy 1.7 in the Saint Paul Comprehensive Plan, which is to “permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods” as well as Land Use Strategy 1.24 “support a mix of uses on Mixed-Use corridors.”

city of saint paul
planning commission resolution
file number _____ 12-19 _____
date _____ March 23, 2012 _____

WHEREAS, Lor-West Apartments, File # 12-027-167, has applied for an Enlargement of nonconforming use for a beauty salon under the provisions of §62.109 (d) of the Saint Paul Legislative Code, on property located at 136 Western Ave N, Parcel Identification Number (PIN) 012823120150, legally described as Dayton And Irvines Addition W 1/2 Of Lots 7 8 And 9 Ex The N 10 Ft Of Sd Lot 9 Blk 75; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 15, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

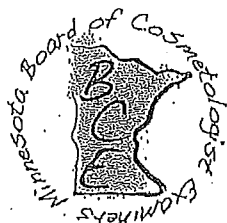
1. The applicant, Lor-West Apartments, has applied for an enlargement of a nonconforming use for a beauty salon for the garden level of 136 Western Ave N. The beauty salon has been in operation since 1988.
2. The current owners wish to enlarge the use to accommodate demand. Although the number of chairs will remain the same, the volume has been greater than expected and more room is needed to accommodate the functions of the beauty salon.
3. Section 62.109(d) Enlargement of nonconforming use states that "*The planning commission may permit the enlargement of a nonconforming use if the commission makes the following findings:*"
 1. *The enlargement will not result in an increase in the number of dwelling units.* This finding is met. No additional dwelling units will be created by the enlargement of the beauty salon.
 2. *For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district.* This finding does not apply. The structure is not being enlarged.
 3. *The appearance of the enlargement will be compatible with the adjacent property and neighborhood.* This finding is met. All changes are to the interior of the building and will not affect the appearance of the building.
 4. *Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures.* This finding is met. A parking lot across the street, on the southeast corner of Laurel and Western is for the use of the beauty salon. There are five spaces signed as such, which meets the requirements of the zoning code for one space per 400 square feet of area of a service business.

5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. The area is surrounded by RM2 on three sides and rezoning would be inappropriate to the surrounding land use. In addition, the parking lot that the salon uses is zoned RM2.
6. *After the enlargement, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding is met. The use continues to be a five-chair beauty salon and the use is located entirely within the building. The enlargement is meant to create more usable space for the stylists in the salon. Its enlargement will not be detrimental to the existing character of development of the neighborhood or endanger the public health, safety, or general welfare.
7. *The use is consistent with the comprehensive plan.* This finding is met. The proposed use meets the goals of Land Use strategy 1.7 in the Saint Paul Comprehensive Plan, which is to "permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods" as well as Land Use Strategy 1.24 "Support a mix of uses on Mixed-Use Corridors."
8. *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the enlargement.* This finding is met. The petition was found sufficient on February 23, 2012: 109 parcels eligible; 73 parcels required; 74 parcels signed.

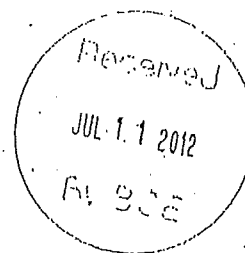
The application for a permit shall include the petition, a site plan meeting the requirements of section 61:400, floor plans, and other information as required to substantiate the permit. This finding is met. All of the required information has been submitted.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Lor – West Apartments for an Enlargement of nonconforming use as a five-chair beauty salon is hereby approved, subject to the condition that five parking spaces be provided as required by the zoning code in the lot on the southeast corner of Laurel and Western and that those spaces be designated for use by the beauty salon.

moved by _____ Nelson _____
seconded by _____
in favor _____ Unanimous _____
against _____



Board of Cosmetologist Examiners
2829 University Avenue SE, Suite 710
Minneapolis, MN 55414
651-201-2742 - 612-617-2601(fax)
www.bceboard.state.mn.us - bce.board@state.mn.us



Salon License Application

-MAKE A COPY OF THIS APPLICATION FOR YOUR RECORDS-

THE BCE IS ON A THREE-YEAR LICENSE CYCLE. A LICENSE CANNOT BE ISSUED FOR MORE THAN THREE YEARS. THUS, YOUR INITIAL LICENSE MAY EXPIRE IN LESS THAN THREE YEARS.

Please complete all of the following questions. Failure to have a complete application will result in a delay of your salon license as the application will be returned.

A Salon License does not transfer when a salon is sold or moved. Owning and operating a salon under another person's or business license is illegal.

"The data which you furnish on this application will be used by the BCE to assess your qualifications for licensure. Disclosure of this information is voluntary. You are not legally required to provide this data; however if you fail to do so, the BCE may be unable to process this application. Disclosure of your Social Security number is required by Minnesota Statutes 270C.72 and your Social Security number may be requested by and Released to the Minnesota Commissioner of Revenue. Then BCE may use your Social Security Number for Revenue Recapture as authorized by Minnesota Statutes, Chapter 270A. After issuance of a license, all information contained in this application, except your Social Security Number, will be public information pursuant to Minnesota Statutes, Chapter 13."

Pursuant to Minnesota Statutes 604.113 and 609.535 the BCE is authorized to charge a service charge of \$30.00 for any check that is returned for non-sufficient funds.

License Fee:

05/2011

Total Fee

\$243.00

\$293.00 If this application is a result of a late renewal)

Initial Salon Information

Salon Legal Name

Urban Village, LLC

Salon Name (DBA - Doing Business As)

Urban Village Salon SPA

Required MN Tax ID and Federal EIN/TIN or SSN (SSN used if salon is a sole proprietor or does not require taxation)

4415800002 2439081

Check Type of Salon License

To qualify for a cosmetology salon license, the salon must offer hair care services, as shown off the floor plan by a shampoo bowls and hair cutting stations. If both nail services and waxing (hair removal) services are offered, but not hair care, the salon needs 2 licenses. These 2 licenses are a manicurist salon license and an esthetician salon license. Submit 2 applications together at the same time including all fees above.



Cosmetology Salon (Care of hair, nails, and skin)



Manicurist Salon (Care of nails, does not include the removal of hair by waxing)



Esthetician Salon (Care of skin, including waxing)

For Office Use Only :

Staff Initials

Check/MO/Receipt Number

2589

Amount Paid:

243

Application Number: 80092109

License Number:

Date Processed:

Section A

The building in which this salon is located is new construction. Original signatures, no photocopies.

1. Applicant must attach a copy of the signed, dated Certificate of Occupancy Issued by the City or County in which the building is located.
2. Applicant must attach statement from Zoning Official that salon is in compliance with zoning ordinances, or obtain signature below

Salon address inspected and meets zoning compliance

Signature of Zoning Official

Title

Date

Print Name of Zoning Official

City or County Name

Telephone Number

Section B

The building in which this salon is located is an existing building. The Applicant has made improvements, or changes to the salon which requires building permits and zoning approval. Original signatures, no photocopies.

1. Applicant must attach a copy of the Building Permits Issued by the City or County in which the building is located.
2. Applicant must attach statement from Zoning Official that salon is in compliance with zoning ordinances, or obtain signature below:

134 WESTERN AVE N ST. PAUL, MN 55102

Salon address inspected and meets zoning compliance

Signature of Zoning

Title

Date

YAYA DIATTA

ST Paul

651-266-9000

Print Name of Zoning Official

City or County Name

Telephone Number

Section C

The building in which this salon is located is an existing building. No Building Permits or Zoning Approval was required by the City or County in which this salon is located. Original signatures, no photocopies.

Salon address inspected and meets zoning compliance

Signature of Zoning Official

Title

Date

Print Name of Zoning Official

City or County Name

Telephone Number

Additional Application Information

Salon Name (DBA) Urban Village		Salon Legal Name (Complete Again) Urban Village LLC	
Owner First and Last Name or Corporation Name Melanie Stephenson, Bee Peterson, Andrea Kroona, Sadie Karpness			
Salon Address 134 Western Ave. N			
City St. Paul	State MN	Zip Code 55102 55123	
Salon Phone Number 651-330-8404		County of Salon Location Ramsey	
Email Address info@urbanvillagesalon.com		Web Address urbanvillagesalon.com	
Salon Manager Last Name Stephenson		Salon Manager First Name Melanie	
Salon Manager MN License Number 09017813 ✓	Salon Manager License Expiration Date 09/30/2012	Type of Manager License <input checked="" type="checkbox"/> Cosmetologist <input type="checkbox"/> Manicurist <input type="checkbox"/> Esthetician	
Please check the following days the salon is open: <input checked="" type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input checked="" type="checkbox"/> Saturday <input type="checkbox"/> Sunday			
Is this salon open by appointment only: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list one day per month salon is open:		Is this salon in a Residence? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Total Number of Practitioners Working in Salon 4 - 14 14		Total Square Feet of Salon 2000 2184	
Required Square Feet Per Practitioner	Cosmetology Salon 1 - 120 Add 50 for each additional licensee	Manicurist Salon 1 - 100 Add 35 for each additional licensee	Esthetician Salon 1 - 110 Add 50 for each additional licensee

Building and Zoning Compliance

1. Check the appropriate box below.
2. Obtain signature in appropriate section and attach required documentation.

☐

Complete section A if you select the following:

The building in which this salon is located is new construction. Complete section A below.

☒

Complete section B if you select the following:

The building in which this salon is located is an existing building. The Applicant has made improvements or changes to the salon which requires building permits and zoning approval. Complete section B below.

☐

Complete section C if you select the following: The building in which this salon is located is an existing building. The building in which this salon is located is an existing building. No building permits or zoning approval was required by the City or County in which the salon is located. Complete section C Below.



Salon Floor Plan (can submit blue prints of formal drawing with codes listed on previous page)

NAME OF SALON Urban Village Salon SPA

<p>Total Floor Space (from salon floor plan below) <u>2104</u> square feet</p> <p>Total Deductions (from calculation at Right) <u>- 374</u> square feet</p> <p>Total Work Space (Total FloorSpace) minus (Total Deductions) = <u>1810</u> square feet</p>	<p>Calculate any Reception, Restroom and Supply areas which are part of the salon floor space:</p> <p>Reception Area = <u>147</u> square feet</p> <p>Restroom Area = <u>89</u> square feet</p> <p>Supply Area = <u>98</u> square feet</p> <p>Total Deductions = <u>374</u> square feet</p>
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Prepare a diagram of the salon floor plan, using the Sample Floor Plan and the Code Letters attached.

Each square below equals five square feet. If your salon is larger than 50 feet by 50 feet, attach additional pages to show complete floor plan.

Salon Manager Acknowledgements

I the licensed salon manager for the salon listed in this application certify that I will be the licensed salon manager and I am the responsible party of this salon. These responsibilities include, but are not limited to:

- A. Ensuring the salon license is current.
- B. Ensuring all employees/independent contractors that are providing licensed services are in fact currently licensed, including myself. A minimum fine of \$150.00 per practitioner can be assessed to you, the manager, if individuals in the salon you are managing are found working on an expired license.
- C. Ensure all equipment is in proper working condition, and that all sanitation and safety requirements are met.
- D. The salon complies with all sanitation requirements and requirements of Minnesota Rules 2105.0350 through 2105.0390
- E. If I leave this salon or quit managing it, I will notify the Board of this, so I am no longer listed as responsible for this salons compliance with Minnesota laws and rules.

Salon Manager License Number

Salon Manager Expiration Date

Salon Manager Printed Name

Salon Manager Signature

Date

Owner(s) Application Certification

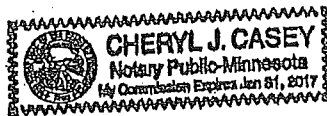
I certify that the information submitted with this application is true and correct. I also certify that this document has not been altered or changed in any manner from the form adopted by the Board of Cosmetologist Examiners.

Radio Vanessa
Signature of Owner #1

7-9-12
Date

Subscribed and sworn to before me: This 9th day of July, 2012
Cheryl J. Casey
Signature of Notary

My Commission Expires: Jan 31, 2017



Notary Seal

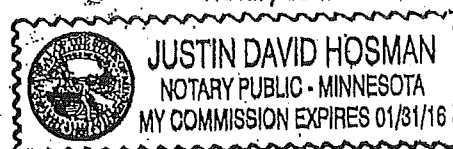
Ad L. Kim
Signature of Owner #2

7-9-12
Date

Subscribed and sworn to before me: This 9 day of July, 2012
Justin David Hosman
Signature of Notary

My Commission Expires: 01/31/2016

Notary Seal



(If there are more than 2 owners, attach additional pages)

Application processing time is 15 business days.

Salon Manager Acknowledgements

I the licensed salon manager for the salon listed in this application certify that I will be the licensed salon manager and I am the responsible party of this salon. These responsibilities include, but are not limited to:

- A. Ensuring the salon license is current.
- B. Ensuring all employees/independent contractors that are providing licensed services are in fact currently licensed, including myself. A minimum fine of \$150.00 per practitioner can be assessed to you, the manager, if individuals in the salon you are managing are found working on an expired license.
- C. Ensure all equipment is in proper working condition, and that all sanitation and safety requirements are met.
- D. The salon complies with all sanitation requirements and requirements of Minnesota Rules 2105.0350 through 2105.0390
- E. If I leave this salon or quit managing it, I will notify the Board of this, so I am no longer listed as responsible for this salon's compliance with Minnesota laws and rules.

09017813

Salon Manager License Number

9/30/12

Salon Manager Expiration Date

Melanie Stephenson

Salon Manager Printed Name



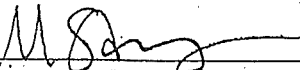
Salon Manager Signature

3.23.12

Date

Owner(s) Application Certification

I certify that the information submitted with this application is true and correct. I also certify that this document has not been altered or changed in any manner from the form adopted by the Board of Cosmetologist Examiners.

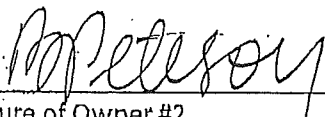


Signature of Owner #1

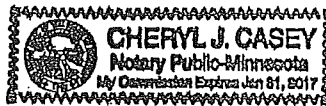
7.9.12

Date

Subscribed and sworn to before me: This 9th day of July, 2012
Signature of Notary Cheryl J. Casey
My Commission Expires: Jan 31, 2017



Signature of Owner #2



Notary Seal

7-9-12

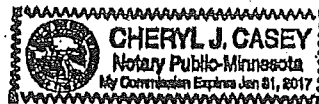
Date

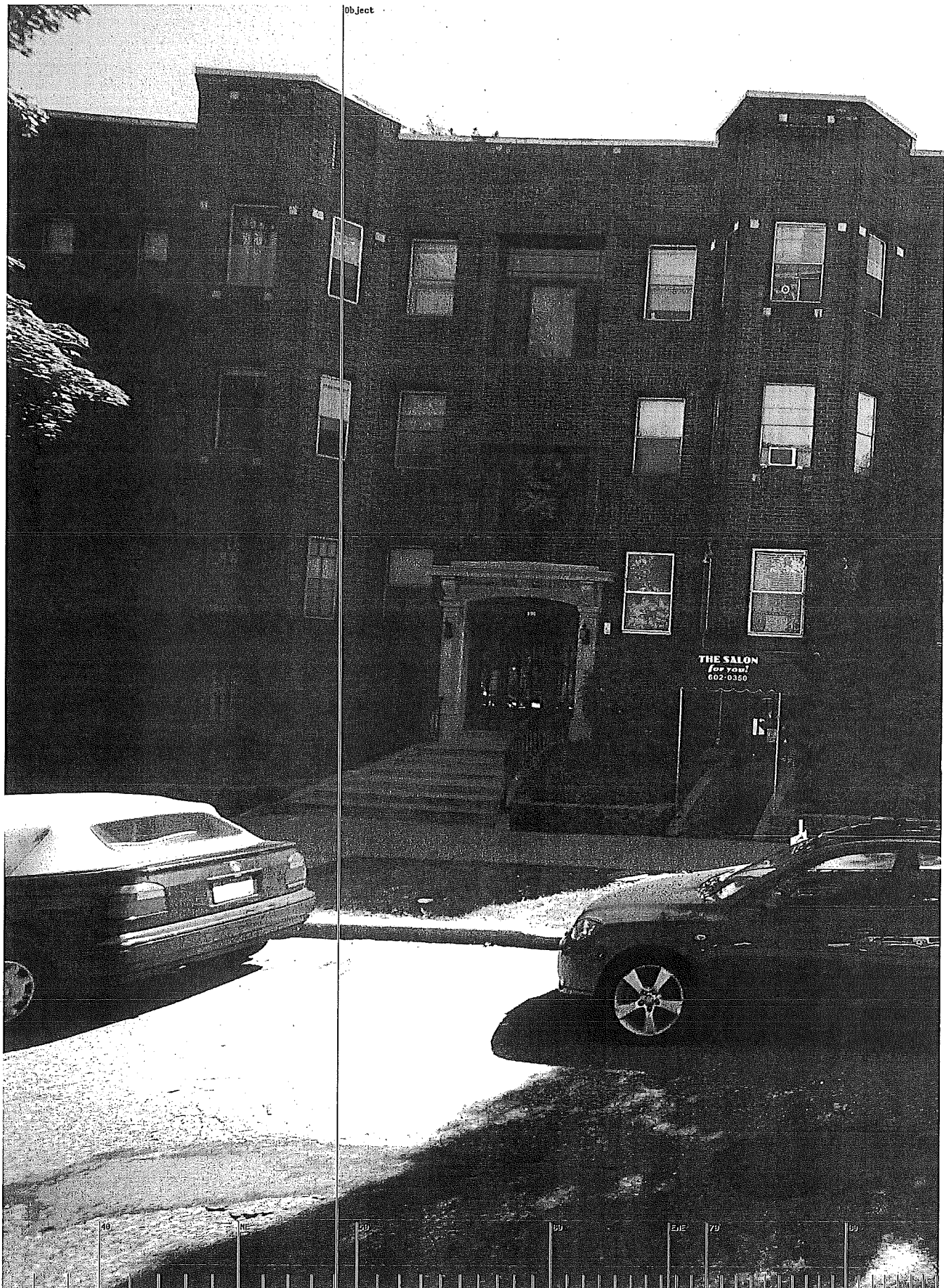
Subscribed and sworn to before me: This 9th day of July, 2012
Signature of Notary Cheryl J. Casey
My Commission Expires: Jan 31, 2017

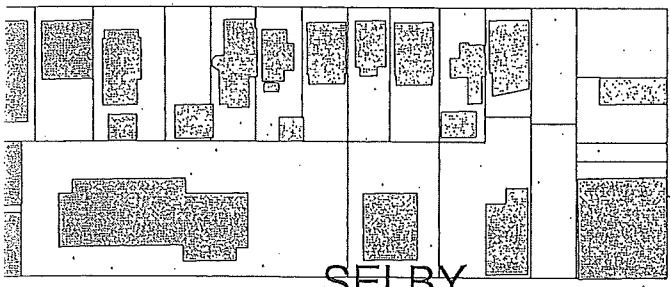
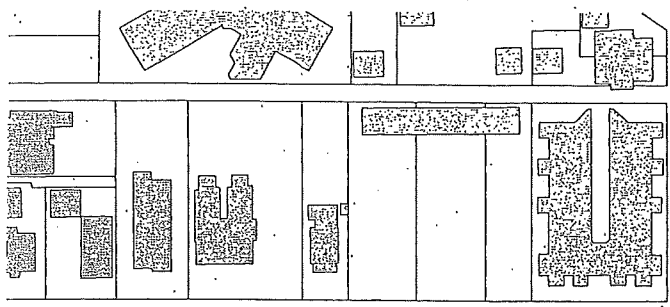
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(If there are more than 2 owners, attach additional pages)

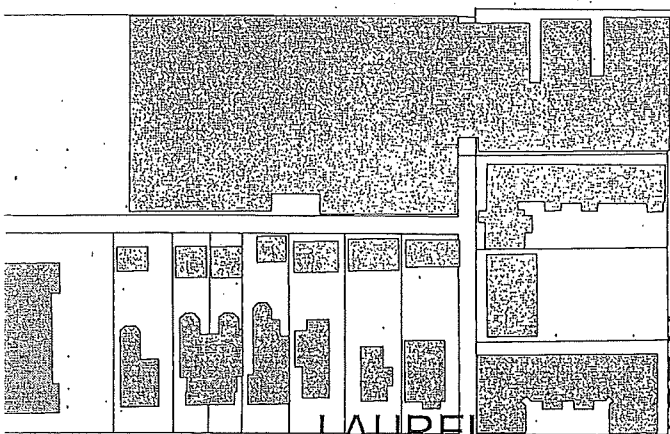
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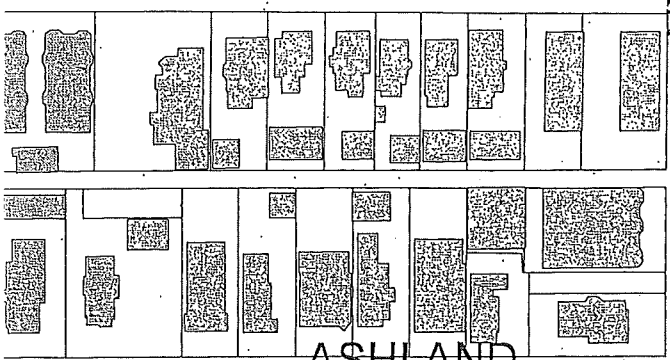




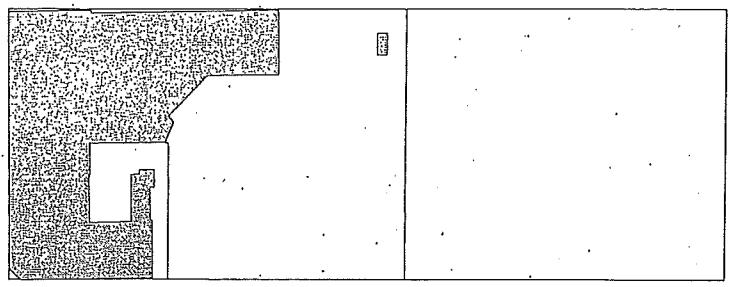
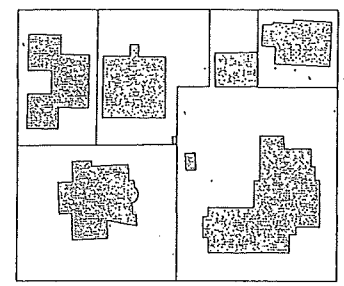
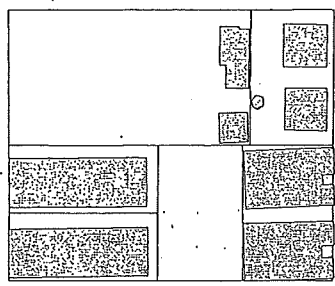
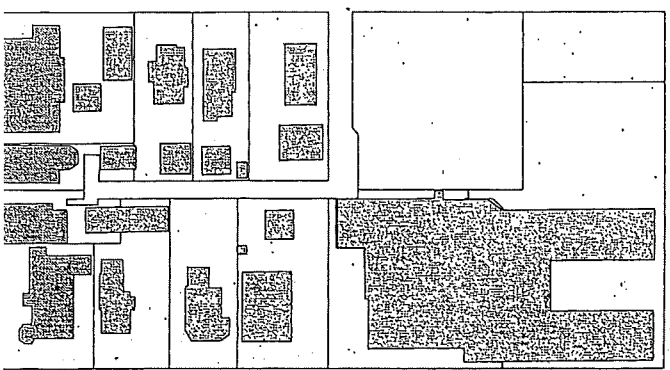
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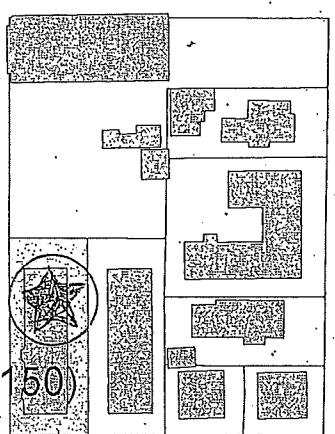
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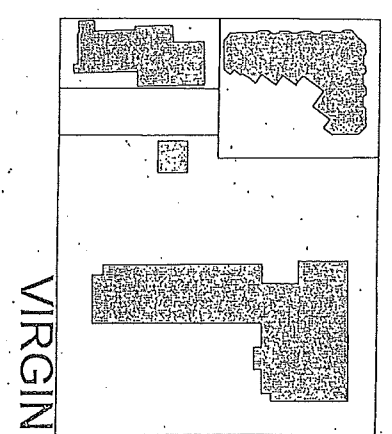
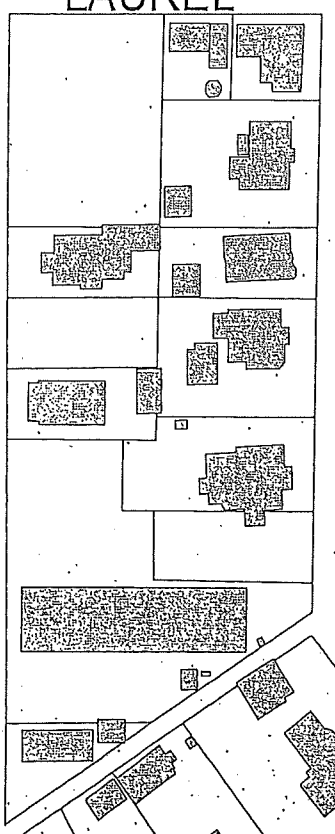


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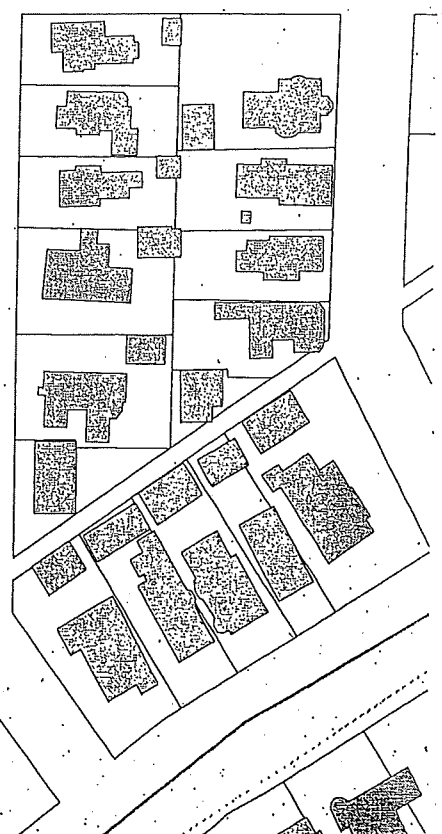


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VIRGINIA



FARRINGTON

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Cool Air Mechanical **FILE #:** 12-104-517
 2. **APPLICANT:** Cool Air Mechanical **HEARING DATE:** October 11, 2012
 3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
 4. **LOCATION:** 1441 Rice St, between Nebraska and Arlington
 5. **PINS & LEGAL DESCRIPTION:** 242923140054, 242923140055, 242923140056, 242923140057, 242923140058, 242923140125, Rice Street Villas- South 20 feet of Lot 4 and all of Lots 5 through 24 Blk 16
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** §§ 65.534, 66.313, 66.343, 61.501; 61.202(b)
 8. **STAFF REPORT DATE:** October 3, 2012 **BY:** Bill Dermody
 9. **DATE RECEIVED:** September 11, 2012 **60 DAY DEADLINE FOR ACTION:** November 10, 2012
-

- A. **PURPOSE:** Conditional use permit for a service business with workshop that is more than 15,000 sq. ft, and variances of three T2 design standards: entrance location, door and window openings, and materials and detailing
- B. **PARCEL SIZE:** 64469 sq. ft. (525' (Rice) x 125' (Arlington))
- C. **EXISTING LAND USES:** Contractor shop, food shelf, and vacant land
- D. **SURROUNDING LAND USE:**
 - North: Vacant with landscaping (T2), then retail (B3)
 - East: Softball fields (R4) and restaurant (T2)
 - South: Auto repair (T2)
 - West: Single-family and two-family residential (RT1)
- E. **ZONING CODE CITATION:** §66.313 states the intent of the T2 Traditional Neighborhood district; §66.343 lists the T1-T4 design standards; §61.501 lists general requirements for all conditional uses; §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** The vacant portion of the site contained a single-family home as of 1985. The site was rezoned from B3 to T2 in 2005 as part of a much larger rezoning that implemented recommendations from the Rice Street Small Area Plan. There is no other zoning history for this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** At the time of this staff report, the District 6 Council had not commented on the application.
- H. **FINDINGS:**
 1. The contractor shop proposes to construct a new building on the vacant (northern) end of the property to allow for a business expansion. The entirety of the existing parking lot will be paved (a portion is currently a gravel/dirt surface). The new building will accommodate an expanded workshop and office uses for Cool Air Mechanical.
 2. Section 65.534 lists the standards and conditions for service businesses with a workshop use, which are permitted in the T2 district. These conditions and the applicant's ability to meet them are as follows:
 - (a) *A conditional use permit is required for establishments of more than fifteen thousand (15,000) square feet.* This condition is met with this application. The existing business is 17,319 square feet, and it will be approximately 25,500 square feet with the addition of the new building. (The food shelf will expand within the existing building from its present size of 2,500 square feet to approximately 4,500 to 5,000 square feet.)

- (b) *The showroom or sales area shall be located at the front of the building and designed in a manner consistent with traditional storefront buildings. All storage and workshop activities shall be done within a completely enclosed building.* This condition is met. The business includes a workshop but no showroom or sales area. The workshop activities will be fully enclosed within a building.
3. §61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. This site is located in a Mixed Use Corridor as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). Strategy 1 of the Land Use chapter of the Comprehensive Plan is to target growth in unique neighborhoods. More specifically, Strategy 1.21 calls for balancing the accommodation of growth with support for transit use and walking. The subject application proposes the growth of a business in a unique neighborhood in a manner that provides an attractive, aesthetically pedestrian-oriented streetscape. The use provides an effective transition from the B3 uses to the north. The use is consistent with the vision of the District 6 Area Plan, adopted in April 2012, which calls for strong commercial and industrial bases.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met by the existing site. No additional ingress and egress points are proposed.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The new building and additional parking lot pavement improve the existing vacant lot and gravel parking. The use is in keeping with all of the existing uses to its north and south along Rice Street. The proposed use is not detrimental to the area's character.
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. Should the vacant landscaped area north of the subject site be developed, it could gain access via Nebraska Street and no cross-access with the subject site would be needed. Improvement of the mixed use corridor will not be impeded by the new workshop building or associated parking lot.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met provided the recommended additional conditions and the requested variances are approved.
4. MN Stat. 462.357, Subd. 6 establishes the grounds for variance approvals. Required findings for a variance consistent with the law are as follows:
- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. One of the main intents of the T2 district is to create a more human-scale, attractive, and pedestrian-oriented environment. Though the proposed use itself is not pedestrian-oriented, the proposed building contributes to the pedestrian environment with its human-scale design elements. Most of the T1-T4 design standards are achieved, including building façade articulation along the Rice Street frontage that relates to the human scale. Landscaping along the Rice Street frontage also relates to the human scale.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The proposed development is consistent with the Comprehensive Plan as cited previously in Finding 4(a).
 - (c) *The applicant has established that there are practical difficulties in complying with the*

provision that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties. This finding is met. The property owner has demonstrated that complying with the design standards regarding entrance location, door and window openings, and materials and detailing is impractical for the subject business because of the facts that it is not a pedestrian-oriented business and that the building requires solid, windowless walls along the east façade in order to provide its intended storage function. Also, the effect of these variances is mitigated to the extent practical by the articulated façade design and proposed landscaping.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The subject business is existing and predates the change to T2 zoning. Its expansion requires variances because of the nature of the business (mechanical contractor's workshop).
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The variances do not affect the permitted service business use of the property.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding can be met if additional screening is provided in order to conform with the T1-T4 design guidelines, which require loading areas to be screened from the street and from adjacent residential uses. The area's existing built form is generally more auto-oriented than what is intended for the T2 district; the subject request is in keeping with the surrounding area's character, but represents a significant step toward the character envisioned for the T2 district.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for a service business with workshop that is approximately 25,500 sq. ft, and variances of three T2 design standards: entrance location, door and window openings, and materials and detailing subject to the following additional conditions:

1. A site plan is approved by City staff, including additional screening to conform with §66.343(b)(15) regarding screening of loading and service areas.
2. All final plans approved by City staff for this use shall be in substantial compliance with the plan submitted and approved as part of this application.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 12-104517

Fee: _____

Tentative Hearing Date: _____

PD=6

10-11-12

#242923140058

APPLICANTName COOL AIR MECHANICALAddress 1441 RICE STREETCity ST. PAUL St. MN Zip 55117 Daytime Phone 651-489-8821Name of Owner (if different) CLM-LLCContact Person (if different) CHUCK NORMS Phone 651-489-8821 #203**PROPERTY
LOCATION**Address / Location 1441 RICE ST. - 1483 RICE ST.?

Legal Description _____

Current Zoning T2

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

Chapter 65, Section 501, Paragraph _____ of the Zoning Code.
65 534

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

QUESTIONSCALL / E-MAIL SCOTT MCIVER
SMCIVER@PRCRESSIVEARCH.COM651-292-1061Sandy☒ Required site plan is attached

Applicant's Signature _____

Date 8/23/12City Agent SMC
8/23/12



APPLICATION FOR ZONING VARIANCE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File number: _____

Fee: \$ _____

Tentative hearing date: _____

Section(s): _____

City agent: _____

APPLICANT

Name Cool Air Mechanical, Company
Address 1441 Rice Str
City St. Paul State MN Zip 55117 Daytime Phone _____
Property interest of applicant (owner, contract purchaser, etc.) _____
Name of owner (if different) _____

PROPERTY

Address/Location 1441-1483 Rice St
Legal description _____
(attach additional sheet if necessary)
Lot size 64,172 sq ft Present Zoning T2 Present Use Service Business
Proposed Use _____

Variance[s] requested:

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Attachments as required:

☒ Site Plan

☒ Attachments

☒ Pro Forma

PROGRESSIVE Architecture

4920 Otter Lake Road
White Bear Lake, MN 55110

Cool Air Mechanical
New Office/ Warehouse Building
1441 Rice Street
St. Paul, MN 55117

RECEIVED

SEP 11 2012

Per _____

History

Cool Air Mechanical is a heating and ventilating company that has been in business for just under 50 years. It has been located at 1441 Rice Street, St. Paul, MN for most of this time. The existing building on the south side of the site houses Cool Air Mechanical along with for the Keystone Community Services Food Shelf. Cool Air has recently experienced growth and needs to expand, as does the Food Shelf.

The decision was made to expand to allow for additional mechanical services and to allow the Food Shelf to expand into some of the existing Cool Air space resulting in the need to construct a new building on the north side of their site. This new structure will house food grade oil storage (food grade oil, that is used for specialty mechanical refrigeration units) tool repair and storage on the first floor. The second floor will contain office space.

Project

The decision to have two buildings (one to the north and one to the south) will result in locating the parking spaces "between the two buildings." The parking that is exposed to Rice Street will be contained by an existing decorative fence as well as new landscaping just behind the fence.

The parking requirements indicate the need for only 48 spaces for both buildings. However, there will be an occasional need for additional parking by the Food Shelf, as well as Cool Air's company vehicles (which are not addressed in the calculations given on Sheet A1.1). These 9 additional spaces will result in 57 total parking spaces, which will be closer to the actual anticipated use.

The new project will also have a concrete surface that will include a bike rack. This surface will also be used for moped or motorcycle parking.

RECEIVED

SEP 11 2012

Per _____

The new building addition will also include a significant amount of landscaping. There will be a large infiltration area that will be planted with native wildflowers and grasses located towards the Rice Street side of the new building to further enhance the aesthetics of the new structure. As mentioned before, new vegetation will be added between Rice Street and the parking lot. This vegetation strip will act as a visual buffer between Rice Street and the parking area. To screen the loading dock, plantings have also been added adjacent to this area.

The use of the building conforms to the new T-2 zoning as a service business with a showroom. This new design will adhere as much as possible to the new traditional neighbor district design standards, however, several variances will need to be addressed:

66.343(12) Entrance location

The primary use for both the new and the existing building will be addressing vehicular traffic. Due to the nature of the business, little to no business will be pedestrian. Therefore, the main entrance of the new building has been oriented towards the parking lot and not the street. A pedestrian sidewalk has been added to connect the entrance with Rice Street, and the entry canopy has been wrapped around the building, addressing both the main entry and Rice Street.

66.343(13)(a) Door and window openings

The amount of glazing along Rice Street is only 7%. This is due to the fact that the main floor is to be used for tool storage. Here, function dictates solid walls with fewer windows to accommodate shelving. To compensate for this, additional windows have been added to the first floor on the opposite side of the building, as well as to the second floor. To further enhance the street elevation, the front canopy has been wrapped around the Rice Street side and decorative trellises have been added, giving the façade layers of interest. A highlight strip has been added around the windows to further accent the building.

66.343(14)(a) Materials and detailing.

The building will be constructed of concrete panels. This type of construction has been done just south of the Cool Air location. This design proposes using colored concrete panels with varied "shadow lines" that are to be scored into the concrete. In addition to this, trellising will be added along with a canopy wrap and highlight strips. By placing this new building behind the infiltration pond with native wildflowers, the result will enhance the Rice Street neighborhood and provide natural landscaping in an urban setting.

PROGRESSIVE
ARCHITECTURE

270 DITTON LANE SOUTH WAREHAM, MA 01956
TEL: 508-847-0000 FAX: 508-847-0001

COOL AIR MECHANICAL

1441 RICE STREET
SAINT PAUL, MN 55117

SITE PLAN

A1.1

DATE: 01/01/00

DESIGNED BY: SC

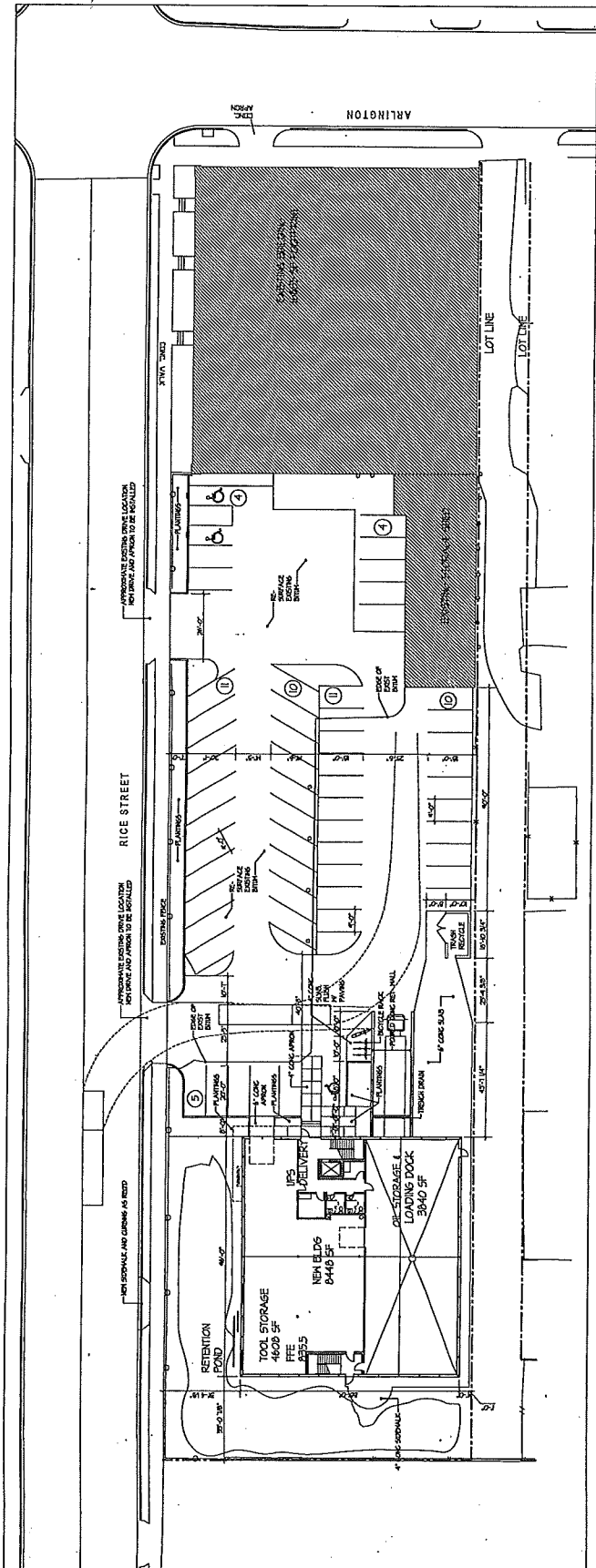
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SCOTT C. HOWAL

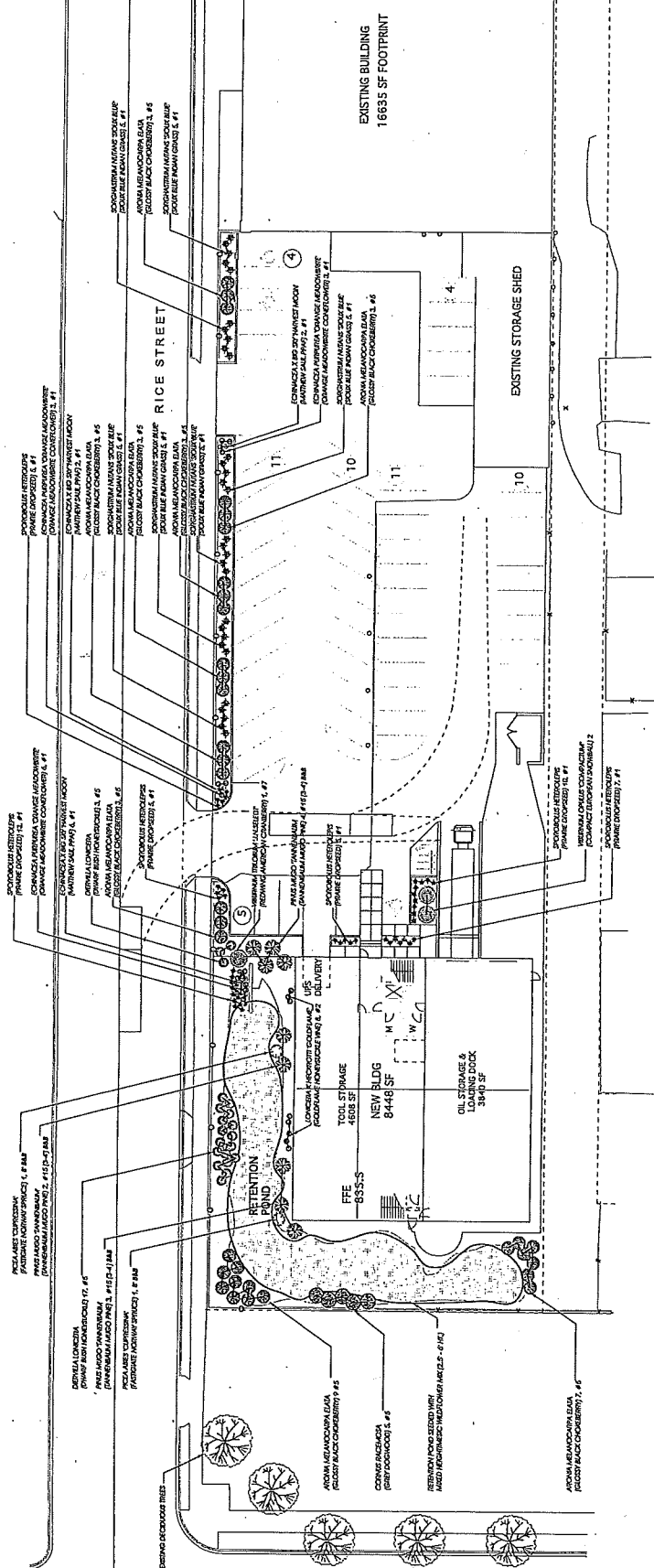
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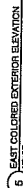
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1. I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, AND ANY OTHER DATA HEREON PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE STATE OF MINNESOTA, MAY BE USED FOR THE PROJECT AND FOR THE SITE OF THE PROJECT.

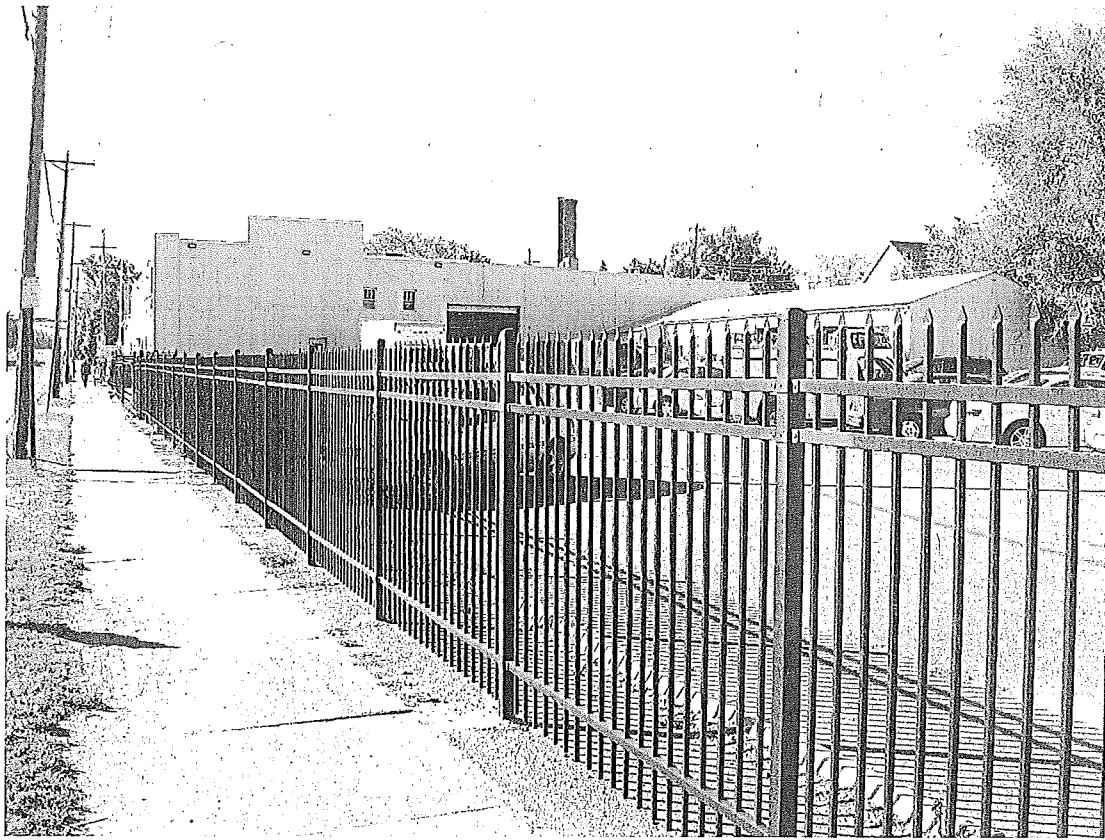


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EXISTING BLDG THIRD FLOOR	7722	MANUFACTURING	11,000	1.23	
EXISTING BLDG FOURTH FLOOR	16555	STORAGE	11,000	0.25	
TOTAL FIRST FLOOR			11,000	25.04	
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EXISTING BLDG SECOND FLOOR	1804	OFFICE	11,400	4.51	
EXISTING BLDG THIRD FLOOR	3900	STORAGE	11,000	0.26	
TOTAL THIS FLOOR	3184			4.73	
TOTAL EXISTING BLDGS				29.73	
NEW BUILDING FIRST FLOOR					
TOTAL STORAGE	4628	MANUFACTURING	11,000	3.01	
oil	3940	MANUFACTURING	11,000	3.64	
TOTAL NEW BLDG FIRST FLOOR	8468			6.61	
NEW BUILDING SECOND FLOOR					
OFFICE	4628	OFFICE	11,400	11.52	
NEW BLDG SECOND FLOOR	4628			11.52	
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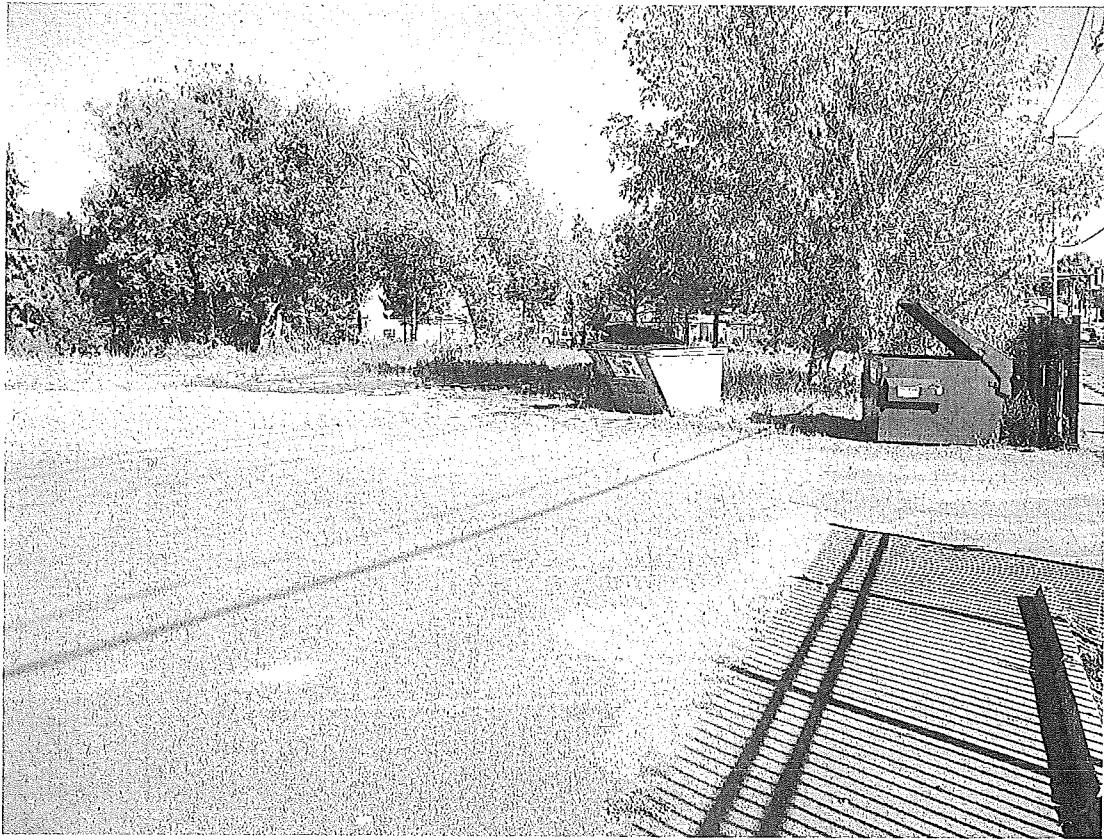
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Existing building, from the north along Rice Street



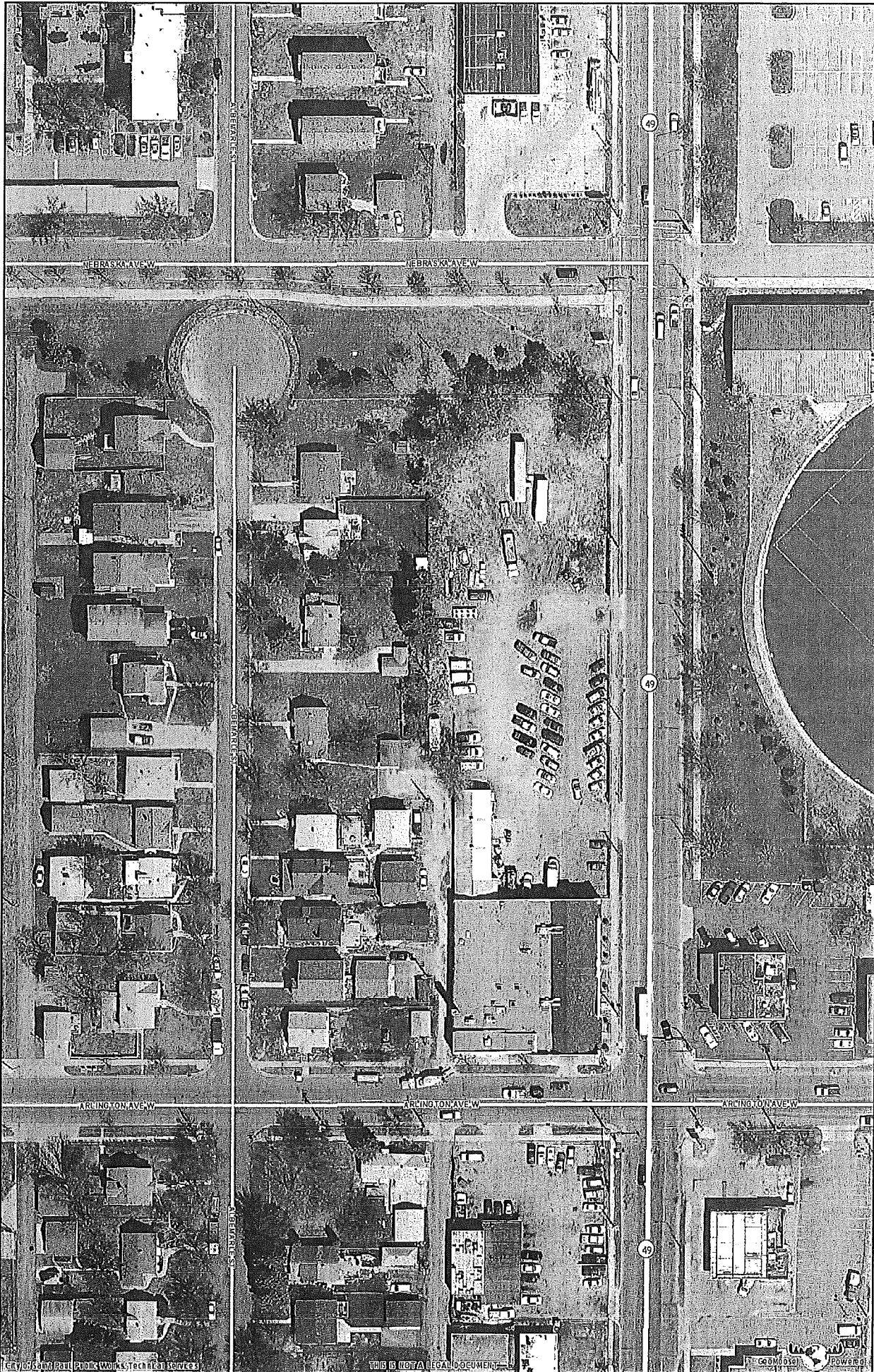
Existing building, from the parking lot



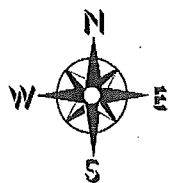
Proposed building location (currently vacant), from the parking lot

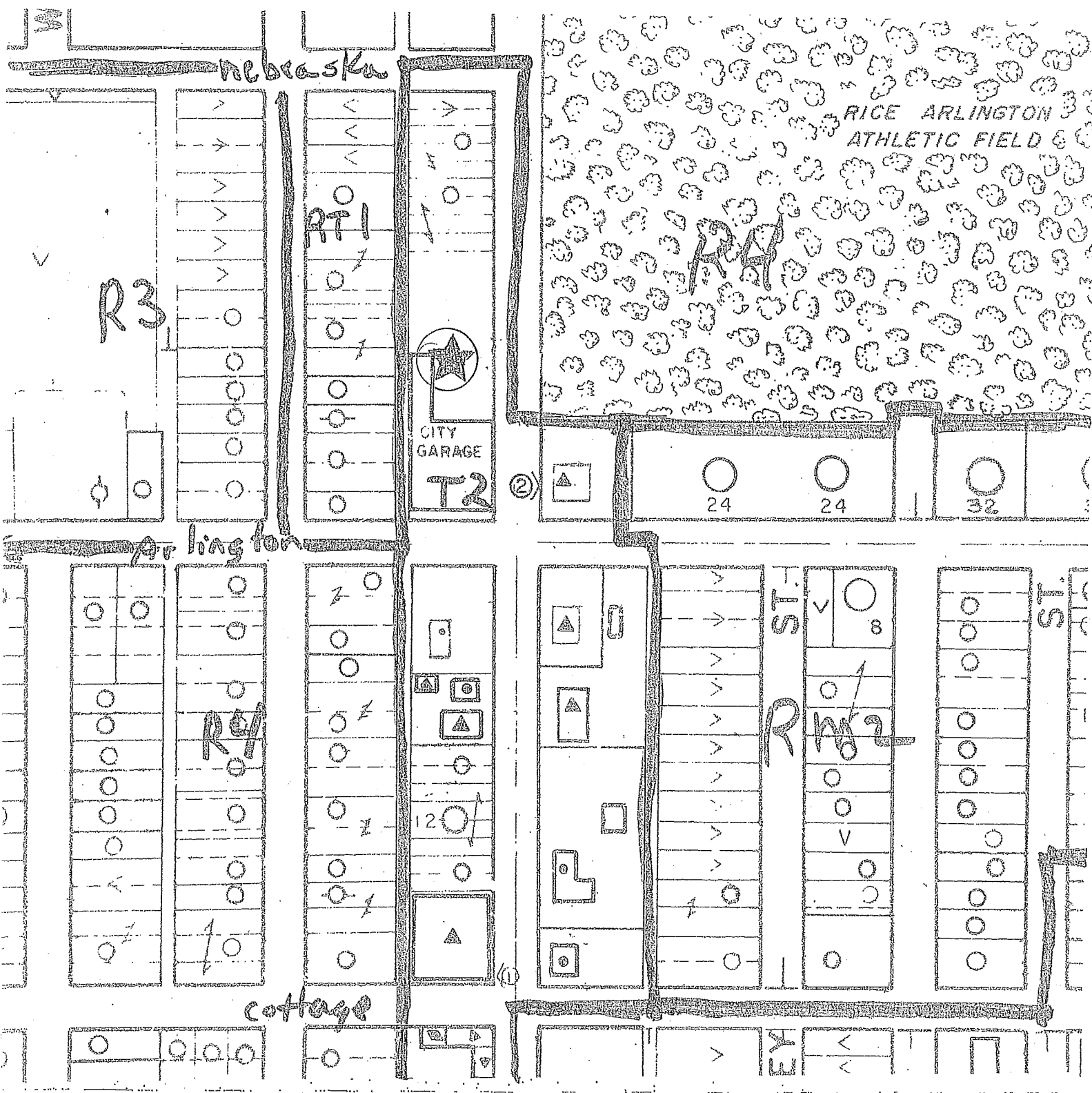


Proposed building location (beyond the fence), from Nebraska Street



- Interstate
- Highway or County Road
- Local Road
- Ramp
- Other Street
- WATER





APPLICANT Cool Air-Mechanical
 PURPOSE CUP - w/variances
 FILE # 12-104517 DATE 9-12-12
 PLNG. DIST. 6 Land Use Map # 4
 Zoning Map # 3

LEGEND

zoning district boundary

subject property

one family
 two family
 multiple family

commercial
 industrial
 vacant

